

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAVID B. NEWMAN and IRA F/B/O DAVID
NEWMAN-PERSHING LLC as Custodian, on behalf of
themselves and all Others Similarly Situated, and
Derivatively on behalf of FM LOW VOLATILITY FUND,
L.P.,

Plaintiffs,

v.

FAMILY MANAGEMENT CORPORATION;
SEYMOUR W. ZISES; ANDREA L. TESSLER;
ANDOVER ASSOCIATES LLC I; ANDOVER
ASSOCIATES MANAGEMENT CORP.; BEACON
ASSOCIATES LLC I; BEACON ASSOCIATES
MANAGEMENT CORP.; JOEL DANZIGER; HARRIS
MARKHOFF; IVY ASSET MANAGEMENT CORP.;
THE BANK OF NEW YORK MELLON
CORPORATION; MAXAM CAPITAL MANAGEMENT
LLC; MAXAM CAPITAL GP, LLC; MAXAM CAPITAL
MANAGEMENT LIMITED; SANDRA MANZKE; and
JOHN DOES 1-100,

Defendants,

and FM LOW VOLATILITY FUND, L.P.,

Nominal Defendant.
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08 Civ. 11215 (LBS)

ECF CASE

CERTIFICATE OF SERVICE

I, Kimberly A. Lynch, assistant managing clerk at Cleary Gottlieb Steen & Hamilton LLP, hereby certify that on December 17, 2010, a copy of the foregoing Ivy Asset Management LLC's And The Bank Of New York Mellon Corporation's Opposition To The Plaintiffs' Motion To Alter Or Amend The Judgment And For Leave To Amend The Complaint was served on the following counsel by electronic transmission through the Court's CM/ECF System:

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| <p><i>Attorneys for Lead Plaintiff David B. Newman and Plaintiff IRA f/b/o David Newman-Pershing LLC (Derivatively on behalf of FM Low Volatility Fund L.P. and as Custodian, on behalf of themselves and all others Similarly Situated)</i></p> | <p>Daniel W. Krasner Wolf Haldenstein Adler Freeman & Herz LLP 270 Madison Avenue New York, NY 10016 Email: krasner@whafh.com</p> <p>Demet Basar Wolf Haldenstein Adler Freeman & Herz 270 Madison Avenue New York, NY 10016 Email: basar@whafh.com</p> <p>Gregory Mark Nespole Wolf Haldenstein Adler Freeman & Herz LLP 270 Madison Avenue New York, NY 10017 Email: nespole@whafh.com</p> <p>Gustavo Fabian Bruckner Wolf Haldenstein Adler Freeman & Herz LLP 270 Madison Avenue New York, NY 10016 Email: Bruckner@whafh.com</p> <p>Kate Marietta McGuire Wolf Haldenstein Adler Freeman & Herz 270 Madison Ave. New York, NY 10016 Email: mcguire@whafh.com</p> <p>Stacey Theresa Kelly Wolf Haldenstein Adler Freeman & Herz 270 Madison Avenue New York, NY 10016 Email: SKELLY@WHAFH.COM</p> |
| <p><i>Attorneys for Defendants Family Management Corporation, Seymour W. Zises, Andrea L. Tessler</i></p> | <p>Andrew J. Levander Dechert, LLP (NYC) 1095 Avenue of the Americas New York, NY 10036-6797 Email: andrew.levander@dechert.com</p> <p>Neil A. Steiner Dechert, LLP (NYC) 1095 Avenue of the Americas New York, NY 10036-6797 Email: neil.steiner@dechert.com</p> |

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| | <p>David Mark Bigge Dechert, LLP (NYC) 1095 Avenue of the Americas New York, NY 10036-6797 Email: david.bigge@dechert.com</p> |
| <p><i>Attorneys for Defendants Andover Associates LLC I and Beacon Associates LLC I</i></p> | <p>Arthur Glenn Jakoby Herrick, Feinstein LLP 2 Park Avenue New York, NY 10016 Email: ajakoby@herrick.com</p> <p>Aismara Janet Abreu Herrick, Feinstein LLP 2 Park Avenue New York, NY 10016 Email: aabreu@herrick.com</p> |
| <p><i>Attorneys for Defendant Beacon Associates Management Corp., Andover Associates Management Corp., Joel Danziger, and Harris Markhoff</i></p> | <p>Steven Michael Kaplan Rosenfeld & Kaplan, LLP 535 Fifth Avenue New York, NY 10017 Email: steve@rosenfelddlaw.com</p> <p>Tab Keith Rosenfeld Rosenfeld & Kaplan, LLP 535 Fifth Avenue New York, NY 10017 Email: tab@rosenfelddlaw.com</p> |
| <p><i>Attorneys for Defendants Maxam Absolute Return Fund, LP, Maxam Capital Management LLC, Maxam Capital GP, LLC, Maxam Capital Management Ltd., and Sandra Manzke,</i></p> | <p>Jonathan David Cogan Kobre & Kim LLP 800 Third Avenue 6th Floor New York, NY 10022 Email: jonathan.cogan@kobrekim.com</p> <p>Michael Sangyun Kim Kobre & Kim LLP 800 Third Avenue 6th Floor New York, NY 10022 Email: michael.kim@kobrekim.com</p> |

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| | <p>Carrie Ann Tendler Kobre & Kim LLP 800 Third Avenue 6th Floor New York, NY 10022 Email: carrie.tendler@kobrekim.com</p> <p>Mathew Brehan West Wollmuth Maher & Deutsch LLP 500 Fifth Avenue, Suite 1200 New York, NY 10110 Email: mwest@wmd-law.com</p> |
| <i>Attorneys for Nominal Defendant FM Low Volatility Fund, L.P.</i> | <p>Barry Richard Lax Lax & Neville, LLP 1412 Broadway Suite 1407 New York, NY 10018 Email: blax@laxneville.com</p> <p>Brian David Maddox Venable LLP (NYC) 1270 Ave of the Americas New York, NY 10020 Email: bmaddox@laxneville.com</p> <p>Brian Joseph Neville Law Offices of Brian Neville 225 Broadway, Suite 1200 New York, NY 10007 Email: bneville@laxneville.com</p> |
| <i>Attorney for Intervenor Charles J. Hecht</i> | <p>Daniel Tepper Hecht & Associates, P.C. 275 Madison Avenue New York, NY 11375 Email: tepper@whafh.com</p> |

Dated: December 17, 2010

/s/ Kimberly A. Lynch
Kimberly A. Lynch